

**SITUATION REPORT NO. 16**  
**INCIDENT NO. 2004-021**  
**DATE: August 16, 2004 Time: 11:00 a.m.**

**TO:** Governor John Hoeven  
State Capitol  
Bismarck ND 58505

1. NATURE OF DISASTER: **Severe Storms and Spring Flooding** induced by heavy precipitation on saturated ground.
2. DEATHS AND INJURIES: No deaths or injuries have been reported.
3. DAMAGES: The level of Devils Lake (as of 8/13/04) at Creel Bay is 1448.56 feet above mean sea level (AMSL). The monthly National Weather Service (NWS) Advanced Hydrologic Prediction Services – Long Range Probabilistic Outlook (LPO) for July 25 through September 15 indicates a 50 percent probability of exceeding 1448.8 and a 10 percent chance of exceeding 1448.9.

The area of Devils Lake is 136,000 acres and its volume is 2.65 million acre feet. Assuming no large rainfall events, it appears Devils Lake may have reached its peak water surface elevation for the year at 1449.1 AMSL on June 17 (2.6 feet higher than the lake level in March). The peak water surface elevation is equivalent to a volume increase in Devils Lake of 337,000 acre-feet, which is the fourth largest volume increase on record.

The elevation of Stump Lake is 1421.77 feet (as of 8/13/04). Its area is 8,900 acres and volume is 204,800 acre feet. Stump Lake has risen 2.75 feet since the June State Flood Coordination Center (SFCC) meeting and 6.75 feet since the end of March. This equates to an additional 780 acres of land being flooded this year. Due to the high water surface elevation on Devils Lake the flow through the Jerusalem Channel (as of 8/13/04) is approximately 148 cfs (cubic feet per second). Based on the NWS's 50 percent probability for the weekly chance of exceedance for Devils Lake, the State Water Commission (SWC) estimates Stump Lake could rise to an elevation of 1423.3 by early September as a result of flows from Devils Lake. This calculation does not include local runoff into or evaporation from Stump Lake.

Stump Lake's rise is a major concern for local people who could be cut off from vital and emergency services (fire, ambulance, mail) if County Roads 15 and 23 are inundated.

The Nelson County Water Resource District is monitoring Lake Laretta and other areas in Nelson County. Rubin Township officers are concerned about flooding of Lake Laretta cutting off main access east-west roads, roads flooded by high water, and roads raised because of high water and in need of additional raise. The City of Michigan is concerned about Lake Laretta waters moving into the city.

Nelson County and City of Lakota officials are concerned about the water line supplying Lakota's drinking water. The line runs adjacent to N.D. Highway 1 and a portion of it is now underwater because of the rise of Stump Lake. The pipe may not be able to withstand the water pressure.

There are 60,000-plus acres of prevented planting in Nelson County and 5,000 agricultural acres have been drown out. A conservative estimate of damages is \$8 million before indemnity payments for crop insurance.

Some of the Spirit Lake Nation Indian Reservation's Bureau of Indian Affairs (BIA) roads are being affected by the lake and are posing safety problems. The BIA road near the community of Tokio is being undermined by lake water erosion.

A representative of the Lake Region Human Service Center indicated area residents are experiencing relentless chronic stress as a result of 12 Presidential Disaster Declarations in 13 years. The Lake Region Human Service Center is anticipating a crisis counseling program next year.

Due to Devils Lake water elevations and excessive winds, roads in the area have sustained damages. Damage has occurred on N.D. Highway 19, N.D. Highway 20, N.D. Highway 57, U.S. Highway 281 and U.S. Highway 2. The most significant damage has been to U.S. Highway 281.

4. RESOURCES:

LOCAL: No change from previous reports.

STATE: No change from previous reports.

FEDERAL: No change from previous reports.

5. VOLUNTEER ACTION: No change from previous reports.

6. MAJOR ACTIONS: Gov. John Hoeven announced, August 13, that U.S. Department of Agriculture (USDA) Secretary Ann Veneman has designated all North Dakota counties secretarial disaster areas due to losses caused by drought, late season frost, flooding, snow and rain storms, and severe temperatures. According to Hoeven, the following counties were declared primary natural disaster areas: Adams, Billings, Bottineau, Bowman, Burke, Burleigh, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Hettinger, McHenry, McKenzie, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Rolette, Sioux, Slope, Stark, Towner, Walsh and Ward. The remaining 18 counties have been named contiguous disaster counties so that producers in those counties are eligible for emergency loan assistance.

The Federal Highway Administration (FHWA) issued an Emergency Relief Order (ERO) for the reconstruction of the Wood-Rutten Road in Benson County. The project will cost about \$7.4 million, and includes a grade raise and a new bridge structure. The county road, located just south of the rest area on U.S. Highway 2 east of Devils Lake, was closed due to rising water from Devils Lake. The new roadway will be relocated just east of the existing road, raised in elevation, and a new bridge will be built. The funding is provided through FHWA Emergency Relief funds for the Devils Lake region. Using 100 percent federal funds for the first 180 days, reconstruction work began in early August. After the first 180 days of construction, Benson County will be required to pay 20 percent of the remaining construction costs.

Disaster assistance was made available to one additional North Dakota county as of July 23, 2004, in response to severe storms and flooding March 26, 2004 through June 14, 2004. The designation means local jurisdictions and certain private non-profit organizations in Eddy County are eligible to apply for state and federal public assistance. This additional designation brings the total to 19 counties and two reservations eligible to receive state and federal assistance under the major disaster declaration signed by President Bush on May 5, 2004, following a request by Governor Hoeven. Previously declared were the Spirit Lake Nation, the Turtle Mountain Indian Reservation and counties of Benson, Bottineau, Burke,

Cavalier, Grand Forks, Griggs, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Steele, Towner, Traill, Walsh, and Ward.

The Public Assistance Program's Alternate Project Policy is being discussed as a method of using existing dollars to assist people in harm's way. By creating a management plan, funding earmarked for specific projects can be combined at the township level, to create a project which can provide more comprehensive protection.

The N.D. Division of Emergency Management (DEM) conducted Public Assistance (PA) and Hazard Mitigation Grant Program (HMGP) applicant briefings for Eddy County on Tuesday, August 3, 2004. The meeting took place at the Eddy County Courthouse in New Rockford.

The Federal Emergency Management Agency (FEMA) is coordinating an effort in response to "Roads Acting As Dikes" in the Devils Lake area. According to North Dakota Department of Transportation (DOT) Director Dave Sprynczynatyk, there are eight to nine miles of state highways and BIA roads in the Devils Lake area and on the Spirit Lake Nation Indian Reservation protecting homes, property and critical infrastructure from rising Devils Lake waters. These roads were never designed to provide such protection, but should they fail to hold back flood waters, lives and property are at risk. If these roads acting as dikes failed today Devils Lake water would flood 50 homes and 5,000 acres of land. As Devils Lake continues to rise, NDDOT has identified up to 120 homes and 8,000 acres of land may be inundated. By the end of August it's expected federal, state and local agencies involved with Devils Lake flooding will meet in Bismarck to solve the problem.

The state's Devils Lake Outlet Project will pump water from the southwest corner of Devils Lake, in an area known as Round Lake, at an initial rate of 100 cfs via a series of pipelines and open channels to the Sheyenne River. There will be a total of 3.3 miles of pipeline and 9.4 miles of open channel in the project which is expected to be operational in 2005. The outlet is expandable to 300 cfs if another pipeline and additional pumps are installed and the necessary permits obtained.

The state's Devils Lake Outlet Project faces a challenge in District Court on August 23 in Valley City. An appeal to the N.D. Department of Health's DoH 402 Water Quality Discharge Permit has been filed by The People To Save the Sheyenne and Province of Manitoba. A second appeal was filed by the Peterson Coulee Association. In June, the SWC received a Notice of Intent to Sue, from the People to Save the Sheyenne, Peterson Coulee Outlet Association, the National Wildlife Federation, the Province of Manitoba, and several conservation groups from Minnesota. These organizations contend the state's Devils Lake Outlet Project violates the U.S. Army Corps of Engineers' (USACE) 404 permitting process by placing fill in jurisdictional wetlands because the wetlands were improperly delineated.

The USACE is initiating a raise of the levee protecting the City of Devils Lake. The construction contract has been advertised with bids opened August 13, 2004. Construction is expected to start in September with completion in the fall of 2005. The plan ensures by next spring the city will have adequate protection from a 100-year inflow. The estimated construction cost of the three-foot levee raise is approximately \$7 million.

The USACE is meeting with Minnewaukan officials to discuss the current status of the community's flood plan. The Second 205 Flood Control Study is on hold as Minnewaukan cannot participate in a cost share agreement for the study. If Minnewaukan is threatened by high lake levels prior to completion of a permanent project, temporary emergency protection will be constructed to allow work on a permanent solution to continue.

In early June the St. Paul District of the USACE constructed emergency protection works for the Cove Road along Creel Bay at the request of Ramsey County. The earthen fill and rock embankment provides emergency protection for the county road and utilities.

USACE emergency operations assistance is ongoing on the Spirit Lake Nation Indian Reservation. The USACE is investigating potential problem areas and is prepared to respond with emergency assistance if necessary.

The FHWA has approved two projects for emergency relief (ER) funds totaling over \$15 million. A number of projects will be let soon for U.S. Highway 281. In the last 11 years, the FHWA provided approximately \$200 million in ER funds statewide.

N.D. DOT and FHWA officials identified roadways eligible under of ER regulations. The waiver allows NDDOT to raise roads within three feet of inundation. The U.S. Highway 281 corridor is now eligible.

The N.D. Parks and Recreation Devils Lake District Superintendent is recommending Graham's Island State Park be closed unless the Graham's Island access road is raised from its current elevation of 1,450 feet above sea level. The FHWA maintains the road is ineligible for federal funding. Besides the state park, the road provides access to the homes of three families and farming operations.

7. ASSISTANCE NEEDED: No changes from previous reports.
8. OUTSIDE HELP ON SCENE: No changes from previous reports.
9. OTHER INFORMATION: The N.D. Division of Emergency Management's Situation Reports are posted on the Division's Internet home page. The address is <http://www.state.nd.us/dem>.

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Douglas C. Friez, State Director  
North Dakota Division of  
Emergency Management